

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
 v.) No. 10-00050-01-CR-W-NKL
)
CHARLES J. SIMONE,)
)
Defendant.)

FINAL ORDER OF FORFEITURE

This matter is before the Court on the Motion of the United States for a Final Order of Forfeiture. On March 30, 2010, this Court entered a Preliminary Order of Forfeiture forfeiting the following property to the United States:

A Dell Inspiron 2200 laptop computer, serial number CNOU69624864356K1370.

The Forfeiture Allegation also included a money judgment in the amount of \$147,287.00 in United States currency, and any interest and proceeds traceable thereto, in that at least this sum, in the aggregate represents the gross wagers from the illegal gambling business. The order was based upon the plea agreement between the defendant Charles J. Simone and the United States.

Pursuant to the Court's Preliminary Order of Forfeiture, notice of the forfeiture of the above-described property and the requirements for filing a claim for the property was properly posted on an official government internet site (www.forfeiture.gov) for at least 30 days, beginning on April 24, 2010, and ending on May 23, 2010. A copy of the Declaration of Publication is on file with the Court. There were no claimants who properly perfected a claim to the subject property within thirty days from the earlier of the date of last publication of notice or of receipt of actual notice. Therefore, any other persons claiming any right, title or interest in or

to the above-described property are held to be in default.

Based upon the plea agreement, the Court finds that the defendant Charles J. Simone had an interest in the property that is subject to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 1955(d) and 28 U.S.C. § 2461(c).

Accordingly, it is hereby ORDERED:

1. Plaintiff's Motion for a Final Order of Forfeiture is hereby granted, and the above-described property is hereby forfeited to the United States pursuant to 21 U.S.C. § 853¹, and is to be disposed of according to law.
2. A personal money judgment in the amount of \$10,000.00 against the defendant Charles J. Simone is granted. The defendant Charles J. Simone paid \$5,000.00 to the United States Department of Justice on February 18, 2010, at the time of his guilty plea. The defendant will pay the remaining \$5,000.00 prior to the date of the defendant's sentencing.
3. All other persons claiming any right, title, or interest in or to the above-referenced property are held in default.
4. The claims and interests of any other persons or parties are forever foreclosed and barred.
5. All right, title and interest to the property described above is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

¹ A violation of 18 U.S.C. § 1955 is a “specified unlawful activity,” as required by section 981(a)(1)(C), pursuant to 18 U.S.C. § 1956(c)(7)(A), which incorporates the list of “racketeering activity” in 18 U.S.C. § 1961(1) into the definition of “specified unlawful activity;” Section 981(a)(1)(C), a civil forfeiture provision, is made applicable to criminal forfeiture actions pursuant to 28 U.S.C. § 2461(c). Section 2461(c) also makes the procedural provisions of 21 U.S.C. § 853 applicable to actions brought pursuant to 18 U.S.C. § 981(a)(1)(C).

6. The Court shall retain jurisdiction to enter any orders necessary to amend or enforce this order.

SO ORDERED this 9th day of November, 2010.

s/ NANETTE K. LAUGHREY
Nanette K. Laughrey
United States District Judge